

REMARKS

The Office Action dated September 19, 2006, has been received and carefully considered, and, in view of the following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested.

Double Patenting Rejection

Claims 1 and 31-61 have been rejected for non-statutory obviousness-type double patenting over claims 1-31 of U.S. Patent No. 6,608,637. See Office Action at ¶ 2. To expedite the prosecution of the present patent application toward finality, this rejection is hereby respectfully traversed with the filing of a terminal disclaimer concurrently herewith. It should be noted, however, that the filing of a terminal disclaimer in the present patent application does not constitute an admission of the propriety of the obviousness-type double-patenting rejection. See MPEP § 804.02 and Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

In view of the foregoing, it is respectfully requested that the aforementioned double-patenting rejection of claims 1 and 31-61 be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

On page 3 of the Office Action, claims 1 and 31-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayless et al. (U.S. Patent No. 5,754,636) in view of DeLorme et al. (U.S. Patent No. 6,321,158). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a prima facie case of obviousness. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Patent Office can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of references. Id. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). That is, under 35 U.S.C. § 103, teachings of references can be combined only if there is some suggestion or motivation to do so. Id. However, the motivation cannot come from the applicant's invention itself. In re Oetiker, 977 F.2d 1443, 1447, 24 USPQ2d 1443, 1446 (Fed. Cir. 1992). Rather, there must be some reason, suggestion, or

motivation found in the prior art whereby a person of ordinary skill in the art would make the combination. Id..

Regarding claims 1 and 37, the Examiner asserts that column 1, lines 38-67, of Bayless et al. discloses a

telecommunications device for permitting a user to perform a plurality of communication-related tasks concurrently within the telecommunications device comprising: a user input device; a display having a tools portion and a windows portion; and a processing element, connected to the user input device and the display, and configured to communicate with a wireless voice network for representing the communication-related tasks as objects in the tools portion

See Office Action Page 4 (emphasis added).

However, the cited language of Bayless et al. does not disclose at least performing a plurality of communication tasks concurrently, the ability to communicate with a wireless voice network and representing communication-related tasks as objects in the tools portion. In contrast, the portion of Bayless et al. cited by the Examiner discloses:

While prior art systems have provided some automated directory services, they have not provided the full range of database processing with the flexibility of a graphical user interface. Therefore, a need has arisen for a software telephone system that provides for database directory service and incoming call identification as well as presenting the user with a fully functional telephone system using a flexible graphical user interface.

SUMMARY OF THE INVENTION

According to one embodiment of the present invention, a telecommunications system is provided that is constructed using a client server architecture. Client processes reside on personal computers available to each user of the system. These personal computers are connected to one another and to a server computer through a local area network. The server computer is connected to a private branch exchange (PBX) which is, in turn, connected to desktop telephone units available to each user. An application program compatible with a typical windowed environment runs on each personal computer to provide each user with a graphical user interface through which each user may receive and place calls and use other telephone functions. In addition, each client computer may access the server computer, as necessary, to access the PBX or to access database information stored in or managed by the server computer. The server computer itself may comprise another personal computer or a larger computer actually storing the information or the server may act as a gateway to information stored on other platforms.

Bayless et al. Col. 1, l. 38 - Col. 2, l. 67,

Clearly, the cited language does not disclose a

"telecommunications device for permitting a user to perform a
plurality of communication-related tasks concurrently" as

required by claim 1 or the similar limitations in claims 37, 43

and 46. Furthermore, the cited language does not disclose a

tools portion or a tools portion with communication-related

tasks represented as objects in the tools portion as required by

claims 1 and 37. The cited language also fails to disclose that

the Bayless et al. device is "configured to communicate with a

wireless voice network" as required by claim 1 or the similar limitations in claim 37 and 46.

The Examiner additionally cites Figure 5 of Bayless et al. to allegedly disclose the display having a tools portion and a windows portion. Figure 5 of Bayless et al. is described in the specification as:

FIG. 5 illustrates a window 106 used in design mode of the GUI object builder. Window 106 comprises a tool bar 108 which contains a plurality of objects 110. In this embodiment, each object 110 may be represented by an icon. When an application builder presses on an icon, the GUI object builder causes an object of that type to be created.

Bayless et al. Col. 11, lines 62-67

Thus, the tools cited by the Examiner are for building GUI's and not communication related tasks. The Examiner further cites Col. 10, lines 6-54, of Bayless et al. to allegedly disclose "providing the user with simultaneous access to the plurality of communications-related tasks." Office Action, page 4.

Applicant notes that the cited language is directed towards APIs and client-server architecture that may be used to implement the Bayless et al. computer telephone system. There is absolutely no disclosure in the cited language of disclose "providing the user with simultaneous access to the plurality of communications-related tasks" as required by claims 1, 37, 43 or the similar limitation in claim 46.

Bayless et al. as cited by the Examiner fails to disclose at least the three limitations discussed above: performing a plurality of communication tasks concurrently, the ability to communicate with a wireless voice network and representing communication-related tasks as objects in the tools portion.

Bayless et al. also fails to disclose yet another limitation. The Examiner on Page 4 admits "Bayless fails to explicitly teach launching different ones of communication-related tasks based upon selection of corresponding ones of the communication-related task objects by the user via the user input device." See Office Action, page 4. The Examiner cites col. 4, lines 20-65, of Delorme et al. to allegedly cure this deficiency. The cited language of Delorme et al. discloses:

It is an object of the present invention to provide a new integrated routing/mapping information system (IRMIS) capable of enabling the mating and cooperation between desktop and handheld devices, including the automatic updating of related databases whenever the desktop PC and handheld PDA link together. The PDA or handheld personal organizer may be optionally linked to a GPS receiver. It is also an object of the present invention to provide the means to take advantage of the strengths of the desktop or home-base application which provides wider geographical coverage and a fully implemented map/route/point-of-interest (poi) cartographic system, which desktop enables user selectivity or customization of map and route information--optionally tapping into online information. It is another object of the present

invention to create data-cutting alternatives such that certain user selections of geographic area, start, finish, POIs, levels of detail or map magnitudes may be effectively downloaded to the PDA/GPS that produce compact map and/or route information "packages" comprising black-white bitmaps, text directions lists, point information organized in differential magnitude configurations which e.g. provide more detail and particular kinds of information around waypoints, less detail and perhaps more major road driving information along the routes between waypoints. It is a further object of the present invention to provide a means to enable a PDA to display text directions and maps (without GPS), serving similar functions to map/itinerary travel plan printouts and to facilitate in a PDA/GPS combination a map display of user's current position, and/or prompting and beeped warnings relative to text directions, as well as heading, distance, speed and other real time GPS data. The present invention is further designed to facilitate in a PDA/GPS configuration location marking and breadcrumb or GPS log functions which can be displayed on the PDA and/or uploaded, displayed, and otherwise processed back at the home-base desktop. Yet a further object of the present invention is the development of a PDA/GPS application can include programming whereby the GPS output controls map/point/route information content and levels of detail--as illustrated by "automatic zoom" upon arrival at area mapped at lesser/greater level of detail or, when a GPS receiving system "senses" that the vehicle has slowed down or stopped, map and point information displays automatically refocus or "look about" to see about restaurants, lodgings or other area attractions.

Delorme et al., col. 4, lines 20-65.

Applicant notes that there is no disclosure in the cited language of "launching different ones of communication-related tasks based upon selection of corresponding ones of the communication-related task objects by the user via the user input device." Any alleged communication tasks are not based upon selection of corresponding ones of the communication-related task objects by the user.

Furthermore, Delorme et al. fails to remedy the previously discussed deficiencies of Bayless et al.. Specifically, Delorme et al. does not cure the deficiencies of Bayless et al. by providing the limitations of: performing a plurality of communication tasks concurrently, the ability to communicate with a wireless voice network and representing communication-related tasks as objects in the tools portion.

As discussed above, Bayless et al. and DeLorme et al. either separately or in combination fail to disclose each and every limitation of independent claims 1, 37, 43 and 46. Claims 32-36, 38-42 44-45 and 47-61 depend from these claims and should be allowable by virtue of their dependency on the independent claims. The rejection of claims 1, and 31-61 under 35 U.S.C. § 103(a) should be withdrawn and the claims allowed accordingly.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

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